

more than 2 pay periods, to any individual who is newly appointed to a position in the agency.

(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 4 pay periods, to an employee who is assigned to a position in the agency that is located—

(A) outside of the employee’s commuting area; and

(B) in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.

(b)(1) Subject to adjustment of the account of an employee under paragraph (2) and other applicable statutes, the advance payment of basic pay shall be made, under agency procedures governing advance payments under this section, at the initial rate of basic pay to be payable to the employee upon the commencement of service in the position to which appointed or assigned.

(2) The head of each agency shall provide for—

(A) the review of the account of each employee of the agency in receipt of any payment under this section; and

(B) the adjustment of the amount of any such payment on the basis of the rate of basic pay to which the employee would have been entitled under applicable statute other than this section for the respective periods covered by the payments, if the employee had performed active service under the terms of such employee’s appointment or assignment during each period in the position to which appointed or assigned.

(c) An advance payment under this section is recoverable by the Government of the United States or the government of the District of Columbia, as the case may be, from the employee or such employee’s estate by—

(1) setoff against accrued pay, amount of retirement credit, or other amount due to the employee from the Government of the United States or the government of the District of Columbia; and

(2) such other method as is provided by law.

The head of the agency concerned may waive in whole or in part a right of recovery of an advance payment under this section if it is shown that the recovery would be against equity and good conscience or against the public interest.

(Added Pub. L. 101-509, title V, §529 [title I, §107(a)], Nov. 5, 1990, 104 Stat. 1427, 1449; amended Pub. L. 114-328, div. A, title XI, §1134(a)-(c)(1), Dec. 23, 2016, 130 Stat. 2459.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-328, §1134(c)(1), inserted “and employees relocating within the United States and its territories” after “appointees” in section catchline.

Subsec. (a). Pub. L. 114-328, §1134(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(1). Pub. L. 114-328, §1134(b)(1), inserted “or assigned” after “appointed”.

Subsec. (b)(2)(B). Pub. L. 114-328, §1134(b)(2), inserted “or assignment” after “appointment” and “or assigned” after “appointed”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as an Effective Date of 1990 Amendment note under section 5301 of this title.

§ 5525. Allotment and assignment of pay

The head of each agency may establish procedures under which each employee of the agency is permitted to make allotments and assignments of amounts out of his pay for such purpose as the head of the agency considers appropriate. For purposes of this section, the term “agency” includes the Office of the Architect of the Capitol.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 481; Pub. L. 107-68, title I, §133(b)(1), Nov. 12, 2001, 115 Stat. 582.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 3075.	Sept. 26, 1961, Pub. L. 87-304, §5, 75 Stat. 663.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107-68 inserted at end “For purposes of this section, the term ‘agency’ includes the Office of the Architect of the Capitol.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §133(b)(2), Nov. 12, 2001, 115 Stat. 582, provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Nov. 12, 2001].”

§ 5526. Funds available on reimbursable basis

Funds available to an agency for payment of pay, allowances, and differentials to or for the accounts of employees of the agency are available on a reimbursable basis for payment of pay, allowances, and differentials to or for the accounts of employees of another agency under this subchapter.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 481.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 3078.	Sept. 26, 1961, Pub. L. 87-304, §8, 75 Stat. 664.

The word “civilian” is omitted as unnecessary in view of the definition of “employee” in section 5521(2), and the fact that military personnel are not “employed”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.